

REMARKS

Claims 1, 3-6, and 8-12 are pending in this application. By the Office Action, claims 1, 3-6, and 8-10 are rejected on the ground of nonstatutory obviousness-type double patenting, and claims 1, 3-6, and 8-12 are rejected under 35 U.S.C. §103. In view of at least the following, reconsideration and allowance are respectfully requested.

I. Double Patenting Rejection

The Office Action rejects claims 1, 3-6, and 8-10 on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-10 of copending Application No. 10/579,055 (hereinafter "the '055 Application"). Because the cited co-pending application has not issued, filing a Terminal Disclaimer to obviate a provisional double-patenting rejection is premature. See MPEP §706.02(k). Applicants respectfully request abeyance of the double patenting rejection.

II. Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1, 3-6, and 8-12 under 35 U.S.C. §103(a) as allegedly being unpatentable over Koide et al. (JP Publication No. 10/265373, hereinafter "Koide") in view of Uchiumi et al. (JP Publication No. 10-279480, hereinafter "Uchiumi"). Applicants respectfully traverse the rejection.

Initially, Applicants note that independent claims 1 and 6 recite "a water-soluble polymer selected from the group consisting of polyacrylamide, polyethylene imine, carboxy vinyl polymer, starch acrylate, ethyl vinyl acetate, starch, and Eudragid," and independent claims 4 and 9 recite "a rubber polymer selected from the group consisting of a styrene-isoprene-styrene block polymer, a styrene butadiene block polymer, polyisobutylene, crude caoutchouc, polyisoprene, and polybutene." The Office Action relies upon the Abstract and paragraph [0013] of Koide as allegedly disclosing the recited water-soluble polymer in claims 1 and 6 and the recited rubber polymer in claims 4 and 9. However, Koide merely

discloses a water-soluble polymer selected from polyacrylic acid and/or a salt thereof, carboxymethyl cellulose and/or a salt thereof, and gelatin (*see* Koide, paragraph [0010]). Although the Office Action cites paragraph [0013] as allegedly disclosing the recited rubber polymer (*see* page 4 of the Office Action), paragraph [0013] of Koide merely teaches that "as the salt of polyacrylic acid, one or two or more of a mono-valent metal salt of polyacrylic acid such as sodium polyacrylate, potassium polyacrylate, etc., an amine salt of polyacrylic acid such as monoethanol amine polyacrylate, diethanol amine polyacrylate, triethanol amine polyacrylate, etc., an ammonium salt of polyacrylic acid, and the like can be suitably used."

Thus, Applicants submit that Koide fails to disclose the recited water-soluble polymers and the recited rubber polymers in independent claims 1, 4, 6, and 9. Furthermore, Uchiumi fails to cure the aforementioned deficiency of Koide. Therefore, Applicants submit that Koide and Uchiumi (either alone or in any combination) fail to disclose or to have rendered obvious all of the elements of the claimed preparations, as recited in independent claims 1, 4, 6, and 9.

Thus, the applied references would not have rendered obvious claims 1, 3-6, and 8-12. Reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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